

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROBERT WISWELL,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, et al.,

Defendants.

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CIV NO. 4:08-cv-013

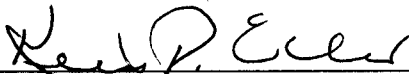
**MEMORANDUM AND ORDER**

Plaintiff filed this lawsuit on January 11, 2008. Plaintiff has failed to serve Defendant United States Marshal Service, Harris County, Texas, and Steven Reiter within 120 days of filing suit, as required by Federal Rule of Civil Procedure 4(m). FED. R. CIV. P. 4(m) (2008). “If a defendant is not served within 120 days after the complaint is filed the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice or order that service be made within a specified time.” *Id.*

The Court orders Plaintiff to serve Defendants no later than September 18, 2008 or to provide the Court with good cause explaining his failure to make such service. If Plaintiff does not serve Defendants by that date or provide the Court with good cause, the Court will dismiss Plaintiff’s claims against Defendants without prejudice.

**IT IS SO ORDERED.**

**SIGNED** this 18<sup>th</sup> day of July, 2008.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE